

Appl. No. : 10/802,691  
Filed : March 16, 2004

### REMARKS

Claims 1-13 and 15-18 are pending in this application. Claims 1, 5, 7, 10, 12, 15, and 17 have been amended. Claim 14 has been canceled. Support for the amendments is found in the specification and claims as filed.

#### **Claim Rejections - 35 U.S.C. § 112, second paragraph**

Claims 1-18 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite.

Claims 1, 7, and 12 are asserted to be unclear as to whether “module” encompasses structure other than the membranes themselves such as the upper and lower header. Claims 1 and 12 have been amended to clarify that the module comprises an upper header and a lower header. Claim 7 has been amended to clarify that the module comprises an upper header.

Claim 7 has been rejected as lacking antecedent basis for “in the module beneath the membrane”. This term does not refer to a separate module underneath the membrane module. Rather it refers to the location of an opening in the module, the opening being situated beneath the membrane. Claim 7 has been redrafted to clarify this configuration.

Claims 5, 10, and 17 have been rejected as unclear in regard to the term “high velocity.” Applicants assert that one skilled in the art of membrane filtration and membrane filtration systems would understand the meaning of “high velocity” within the context of the application. Claims 5 and 17 have been amended to confirm that sweeping is high velocity sweeping. Claim 10 has been amended to clarify that the sweep is a high velocity sweep

In view of the foregoing amendments, Applicants respectfully request withdrawal of the rejection.

#### **Claim Rejection - 35 U.S.C. §102(e)**

Claims 1-18 have been rejected under 35 U.S.C. §102(e) as anticipated by Zha et al. (U.S. 6,555,055). The present application is a continuation under 35 U.S.C. §120 of PCT International Application No. PCT/AU02/01272 filed September 17, 2002, which claims priority to Australian Provisional Application No. PR 7742. Zha et al. was published on April 29, 2003, and lists Applicants, Warren Thomas Johnson and Thomas William Beck, as joint inventors with Fufang Zha and Clinton V. Kopp. A 35 U.S.C. §102(e) rejection can be overcome by showing the patent

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is describing applicant's own work. *See MPEP Section 2136.05; In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982). Enclosed herein is the Declaration under 37 CFR §1.132 of Warren Thomas Johnson and Thomas William Beck, joint inventors of the present application. Warren Thomas Johnson and Thomas William Beck state that the portions of the reference relevant to the present application originated with or were obtained from them. Zha et al. is therefore not prior art to the present application.

Accordingly, Applicants respectfully request that the rejection be withdrawn.

**Claim Rejections - 35 U.S.C. § 102(b)**

Claims 12-17 have been rejected under 35 U.S.C. §102(b) as anticipated by Kopp et al. (U.S. 5,543,455). "A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference." *See, e.g., In re Paulsen*, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994). Kopp et al. does not disclose every element of Applicants' Claim 12 as currently amended and its corresponding dependent claims, and therefore cannot be considered as an anticipating reference under 35 U.S.C. § 102(b).

Pending independent Claim 12 recites a method of cleaning a membrane filtration module wherein one of the steps comprises "introducing a gas into the module through an opening in the lower header, whereby bubbles are produced which scour the permeable wall." Kopp et al. only discloses introducing a gas into the module through the membrane pores. Kopp et al. does not disclose introducing a gas into the module through an opening in the lower header.

Accordingly, Applicants respectfully request that the rejection be withdrawn.

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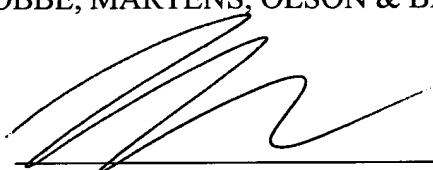
**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/31/05

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AMEND  
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